

Remarks

Claims 1-16 and 19-36 are pending. New Claims 35 and 36 are added and Claims 17 and 18 are cancelled in this Response.

Claims 1-34 were rejected under Section 103 as being obvious over Fleming (6530018) or Fleming in view of Nykanen (6574678). Claim 1 is directed to a system that includes a means for instructing a user to connect the hardware device if it is determined that the hardware device is not connected to the computer system. The Examiner acknowledges that Fleming does not teach this limitation. In support of the rejection Claim 1, however, the Examiner asserts that:

"It would have been obvious to one of ordinary skill in the art to have also included the step of instructing a user to connect the hardware device if it is determined that the hardware device is not connected to the computer system. By implementing this step, the user will be prompted to connect a hardware device to the system when they want to install a driver for the hardware device."

The Examiner's assertion is not sufficient to support the rejection. The advantage asserted by the Examiner as the motivation to modify Fleming (the user will be prompted to connect a hardware device to the system when they want to install a driver for the hardware device) is self-evident from the claim elements. Indeed, it is simply a restatement of the claim elements — "a hardware driver install system" that includes "means for instructing a user to connect the hardware device" and "means for installing a driver." Of course the claimed invention has the advantage of prompting the user to connect the hardware device when they want to install the driver because that's what Claim 1 says.

Obviousness can only be established by modifying the teachings of the prior art where there is some teaching, suggestion, or motivation to do so found either *in the reference or in the knowledge generally available to one of ordinary skill in the art*. MPEP 2143. While it may be true that an advantage of the modification may indicate the required motivation, that advantage must be recognized *in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent*. MPEP 2144. It is impermissible for the Examiner to look to the Applicant's own teachings for the motivation to modify. MPEP 2142.

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There is nothing in Fleming that suggests instructing a user to connect the hardware device if the device is not already connected. Fleming detects the presence of a hardware device connected to the system, but makes no provision for prompting the user to connect the device if it is determined that the device is not already connected, as in Claim 1. The Examiner has not made any showing of a motivation to modify Fleming apart from Applicant's own teaching. Absent such a showing, the rejection should be withdrawn.


Claims 9 and 19 are method and computer medium counterparts to the system of Claim 1. Claim 27 is directed to a system that includes a user interface that instructs a user to connect the hardware device if it is determined that the hardware device is not connected to the computer system. Claims 9, 19 and 27, therefore, are felt to distinguish patentably over Fleming for the reasons noted above for Claim 1.

Claims 2-8, 10-16, 20-26 and 28-34 are also felt to distinguish patentably over Fleming due to their dependence on Claims 1, 9, 19 and 27, respectively.

New Claims 35 and 36 include additional features the further distinguish Fleming.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,
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